

## **REMARKS**

Claims 1-30 were pending in the application. Claims 1, 3, 4-7, 9, 10 and 12 have been amended. Claim 13 has been cancelled. Claims 1-12 and 14-30 accordingly are pending in the application.

## **AMENDMENTS TO THE CLAIMS**

The amendments to claims 1, 3, 4-7, 9, 10 and 12 are submitted for more distinctly pointing out features in the claimed subject matter. In particular, independent claim 1 has been amended to include the feature " wherein said creating the file and said allocating space are performed in an atomic transaction," while claims 7 and 10 have been similarly amended. Claim 13 has been cancelled without prejudice.

## **REJECTIONS UNDER 35 U.S.C. §102**

The Examiner has rejected claims 1-4, 7-13, 16, 17, 19, 20, 22, 23, 25, 26, 29 and 30 under 35 U.S.C. §102(a) for being anticipated by "Lustre: A Scalable, High-Performance File System," Cluster File Systems, Inc., Whitepaper v. 1.0, Nov. 11, 2002, hereinafter 'Lustre'.

Regarding claim 1, Applicant notes that this claim has been amended to include features formerly present in claim 3. The Examiner has cited Lustre, page 3, lines 3-5, as anticipating "creating the file...and allocating space in an atomic transaction." The following is a quotation of Lustre, page 3, lines 3-5: "In existing file systems, creating a new file causes the file system to allocate an inode and set some its basic attributes." This passage in no way suggests "an atomic transaction." Applicant does not agree with the Examiner's interpretation of the reference and respectfully submits that Lustre does not teach or suggest "wherein said creating the file and said allocating space are performed in an atomic transaction." Claim 1 therefore patentably distinguishes over Lustre.

Independent claims 7 and 10 recite features similar to claim 1, and are thus believed to be allowable for at least the reasons presented in support of claim 1.

Removal of the rejection under §102 is kindly requested.

### **REJECTIONS UNDER 35 U.S.C. §103**

Claims 5, 6, 14, 15, 18, 21, 24, 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Lustre in view of Noveck et al., (U.S. Patent No. 5,218,695), herein referred to as Noveck.

Regarding claim 14, the Examiner cites the following passage in Noveck as disclosing the features of this claim: "If an attempt is made to de-allocate an I/OSTRING while the HOLD COUNT is non-zero, the I/OSTRING will only be de-allocated when the HOLD COUNT reaches zero" (see Noveck, col. 10, lines 34-37). Applicant respectfully disagrees that Noveck teaches or suggests "in the event said request is not received prior to a predetermined amount of time transpiring, de-allocating said space," as in claim 14. In fact, Noveck also states that:

Whenever the HOLD COUNT is non-zero the I/OSTRING will not be de-allocated. Ongoing operations increment the HOLD COUNT to prevent the de-allocation of an I/OSTRING when successful execution depends on its continued existence.

(See Noveck, col. 10, lines 29-34, emphasis added)

The HOLD COUNT assures that the I/OSTRING will not be de-allocated during the pendency of the current request....

(See Noveck, col. 16, lines 24-26, emphasis added)

Thus, the 'HOLD COUNT' in Noveck, contrary to the Examiner's assertion, does not appear to teach or suggest "a predetermined amount of time" as in claim 14. Applicant respectfully submits that claim 14 patentably distinguishes over Muttik.

Regarding claims 18, 21, 24 and 27, these claims are believed allowable for at least the reasons presented in support of claim 14. Removal of the rejection under §103 is kindly requested.

Applicant also submits that numerous ones of the dependent claims recite further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

The Commissioner is authorized to charge any fees which may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505\6002-00602.

Respectfully submitted,



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